

MAILS
From San Francisco:
Sonoma, Nov. 22.
For San Francisco:
Lurline, Nov. 23.
From Vancouver:
Niagara, Dec. 1.
For Vancouver:
Makura, Dec. 10.

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SERBIA'S FATE UNKNOWN; WAR RUMORS CONTRADICTORY

GOVERNOR BRANDS JUDGE STUART'S ATTACK "IMPERTINENT, SCANDALOUS"

Is Joined By Land Commissioner Joshua D. Tucker in Motion to Strike Out Three-fourths of Complaint of Jurist Against Manner of Administering Land Laws—Demurrers to Writ of Mandamus Also Filed Yesterday Afternoon

A motion to strike and expunge fully three-fourths of the allegations and other matters and things in the petition and alternative writ of mandamus brought by Circuit Judge T. B. Stuart against Governor L. E. Pinkham and Land Commissioner Joshua D. Tucker, on the ground that these portions of the writ are "immaterial, irrelevant, impertinent, scandalous and a reflection on the conduct of the said respondents, as public officers," was filed in circuit court yesterday afternoon by Attorney-General Ingram M. Stainback, counsel for the respondents. Demurrers to the writ accompanied the motion.

The motion represents the opening gun in the defense of the governor and the land commissioner, and indicates that a hotly-contested legal battle will be the outcome. Judge Stuart's petition in mandamus relates to the present enactment of the land laws, declares that their present enforcement is not within the law, and seeks to have them enforced as he himself believes they should be.

"Of the allegations and complaints set forth in the judge's petition, nearly three-fourths are objected to in the motion filed by the governor and the land commissioner, who seek to have these matters stricken from the complaint."

Portions Objected To.

The motion filed yesterday first moves to strike from the writ that portion relating to the act of Congress of May 27, 1910, which provides for the opening of homestead lands when 25 or more persons qualified as homesteaders shall make application, and the "duty of the respondents" regarding the opening of agricultural and pastoral lands.

It further moves to strike the paragraph which, in part, declares that the respondents "have each willingly agreed in each and every respect" and "have failed and refused to survey and open up the land." That part of the writ regarding the "frivolous excuses" given by the respondents "for their non-compliance with said act," also is objected to.

Respondents object to the paragraph which, in effect, alleges that "since the passage of the last act of Congress in 1910 it has never been complied with in word or spirit by said respondents." The paragraph alleging that the respondents have allowed entry of large tracts of lands in tens of thousands of acres to the plantations and corporations "without any conditions for reservations concerning the same," and that they have "attached many annoying, foolish, absurd and unlawful conditions that render the right of homestead a farce and a cheat upon the ordinary man," is objected to.

Object to Stuart's idea. The three allegations by Judge Stuart concerning his idea of the results of the rules and regulations under which the respondents require entries of small parcels of land to be made, one being that "they deprive said citizens of liberty and property without due process of law," are asked to be stricken out.

Objection is made to the statements which allege that the "unlawful rules and regulations" will "give them (the respondents) the power to class said lands and attach thereto foolish, absurd, ruinous, impossible and unlawful conditions, which render the right of the citizens of the United States worse than worthless."

The third, fourth and fifth sections of that part of the writ asking that the respondents be "commanded" to comply with certain requests laid down by Judge Stuart are objected to, one of them being that "the respondents be commanded to immediately comply with the acts of 1910 in reference to the 25 petitioners and in reference to bringing all of the said lands immediately into the market."

Conclude the motion to strike reads as follows: "This motion is based upon the grounds that the said matters and things are immaterial, irrelevant, impertinent, scandalous and a reflection on the conduct of the said respondents, as public officers, and based further upon the pleadings herein. Call Writ 'Quare'."

That the petition and writ of alternative mandamus brought by Circuit Judge Stuart is "uncertain, indefinite, vague and ambiguous" is one of the grounds set forth in demurrers to the petition filed by the respondents in connection with the motion to strike.

With the exception of the opening paragraphs, the demurrers of the governor and the land commissioner are identical. In opening, the governor contends as follows:

"That this honorable court has no jurisdiction of the person of this respondent as governor of the Territory of Hawaii, as aforesaid, for the purpose of mandamus."

Land Commissioner Tucker contends as follows:

"That the said writ does not state facts sufficient to constitute a cause of action or to entitle the petitioner herein to relief by writ of mandamus against the said respondent."

The remainder of the demurrers, which are addressed to Circuit Judge Ashford, reads as follows:

"That the said writ does not show the existence of any official duty on

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TAKES ENGINEER HOUR TO RECITE QUALIFICATIONS

John M. Young Closely Examined By Territory in Railway Injunction Suit

Prof. John Mason Young, dean of the school of engineering of the College of Hawaii, and H. Stuart Johnson, construction engineer for the Honolulu Rapid Transit & Land Company, were called as witnesses for the territory today in the trial of its injunction suit against the company.

Mr. Johnson testified that he has been employed by the Rapid Transit company off and on during the last 18 years, and that he has held his present position during the last six years. He was asked by the territory to produce plans and specifications relating to the power plant of the Rapid Transit, showing boilers, engines and generators.

Attorney C. H. Olson pointed out that this was for the purpose of showing what the plant consist of, in order that the territory might proceed on the matter of ascertaining the cost of reproducing the plant, a matter which recently became of issue.

Attorney D. L. Withington, one of the counsel for the Rapid Transit, began an objection to the introduction of the plans and specifications. The court curtly told him that it did not wish to hear him, and that the plans might go in.

"I submit that, as one of counsel in this case, that I have a right to be heard," declared Attorney Withington, with some heat. "I have a right to raise every objection which may be necessary."

Attorney Olson stated that if the Rapid Transit would furnish the territory with data concerning the boilers, engines and generators he would not press the introduction of the plans and specifications.

This was agreed to, and Attorney Olson withdrew his former question. "Now go ahead with something else," the court requested.

In answer to a question, Mr. Johnson stated that he was not informed regarding the various types of pavement which have been used by the Rapid Transit on its roadways.

Nearly one hour was consumed by the territory in ascertaining the qualifications of Professor Young; his degrees and membership in American and foreign electrical, mechanical and civil engineering societies.

His testimony was with regard to his personal acquaintance with the various units which make up the system of the Rapid Transit. He also explained in detail the question of theoretical depreciation in general, and the elements entering into the depreciation of a plant of the type of construction of the Rapid Transit, taking up such questions as functional depreciation, wear and tear, obsolescence and inadequacy of type.

Professor Young was to be further examined at this afternoon's session of the trial.

HAROLD CHAPIN, AMERICAN ACTOR, IS KILLED IN FRANCE

LONDON, Eng.—Harold Chapin, an American actor, dramatist and stage manager, has been killed in action in France.

Chapin was born in the United States in 1886 and made his first appearance on the stage at Stratford-on-Avon in 1895, taking the part of young Marcus in "Coriolanus." For several years, while still attending school in England, he played child's parts and later toured England with stock companies. Of late years he had been the stage manager for numerous well known productions. He was the author of "Augustus in Search of a Father," "The Marriage of Columbine," and other plays.

Av Quon and Soo Kai, charged with having opium in possession, were to be sentenced in federal court this afternoon.

GRAB GAMBLERS AND BIG OUTFIT IN DARING RAID

Eight Men Nabbed in Room in New Allington Hotel; Find Chips and Loaded Dice

LETTER FROM WIFE OF
ONE VICTIM GAVE CLUE

Tips Reached Detective Dept. That Men Were "Pulling Off Big Stuff" Here

Drawing in the net which they had been spreading for two weeks, the detective department last night caught three of the most accomplished gamblers that have ever been arrested here, and took an outfit which is probably the best here or on the mainland. In the raid they took one man who is believed to have a record as a desperate criminal.

The gamblers were taken in the room of "John Smith" Corbett, in the New Allington hotel. F. Johnson is the owner of the gambling outfit, and C. L. Watson and Corbett are his partners. The other men in the game were W. Wilson, F. Miller, Charles Finn, R. Martin and G. Felix.

Johnson, Watson and Felix appeared in the police court this morning and were released on \$250, \$50 and \$25 bail, respectively, trial being postponed until tomorrow. Each of the other men forfeited \$25 bail, which was put up last night. Corbett was rearrested this morning, charged with maintaining a gambling game.

Johnson and Watson were arrested a few weeks ago and paid heavy fines, after being caught by McDuffie's men while engaged in a game by the light of automobile lamps on a road near town. Have Suspected Corbett.

Detectives have been watching Johnson and Watson since they landed here two months ago, and Corbett, who has lived here two years, has been under suspicion for some time as he was known to live without working. Recently "tips" came that the three men were "pulling off some big

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MANY ADVANCES IN GUARD WILL BE MADE SOON

Promotion of Adjutant-General to Brigadiership Will Cause Changes in Staff

Numerous promotions and appointments may be made in the National Guard shortly after the return of Brigadier-General Samuel I. Johnson, the adjutant-general, from his trip to Hawaii, new officers being needed to bring the organization up to the standard set by the government regulations.

While the line officers will not be changed on account of the growth of the organization, there will be a number of staff promotions to bring greater efficiency and fill existing vacancies, and the staff is to be largely increased.

Under the tables of organization issued by the government, a brigade is entitled to have in the quartermaster's corps of territorial headquarters two majors, three captains and five first-class sergeants, which will mean an increase over the present quartermaster corps of one major, one captain and two first-class sergeants. The Medical Corps, Territorial Headquarters, is entitled to another captain.

On the brigade staff there is to be appointed a brigade adjutant, who, according to the tables of organization, is supposed to be a major in the adjutant-general's department. An inspector of small arms practice is also allowed, and a major of the Medical Corps is allowed for the brigade staff, separate from State Headquarters or regimental Medical Corps officers.

All of these promotions will in a way reach back to the line officers, some of whom will be promoted to the ranks mentioned above so that

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CAPTURE ONE OF GERMANY'S LATEST SUPER-SUBMARINES

LIVERPOOL, Eng.—The Daily Post publishes a report of the capture of one of Germany's latest super-submarines, 250 feet long and carrying, in addition to torpedo tubes, four guns of fairly large calibre. The submarine was launched at Stettin a fortnight ago.

The Post states that within a few hours after leaving her base she was caught "in one of those traps we have so skillfully laid for these craft somewhere in the German ocean."

SEASIDE HOTEL MAY BE TAKEN BY TERRITORIAL CO.

Important Deal Pending for Beach Property But Negotiations Not Closed; Waikiki Improvements Likely

Authoritative reports in business circles that the Territorial Hotel Company may acquire the Seaside Hotel has a basis in fact, though negotiations are not yet complete, the Star-Bulletin learned today.

"Negotiations are under way, but are not closed. That is all I can say at present," said Mr. C. C. von Hamm, secretary and a director of the Territorial Hotel Company, when inquiry was made as to the truth of the rumor.

The Seaside Hotel is under the management of J. H. Hertsche, and the ground is owned by the Bishop estate. The Seaside was formerly operated for George Macfarlane, who now lives in New York and is said to be still interested in the ownership of the buildings and improvements, holding a ground lease from the Bishop estate. This lease has some years yet to run and it is presumed that if the Territorial Hotel Company closes its negotiations the lease may be extended upon the expiration of the present term.

The acquisition of this beach hotel by the Territorial company is expected to herald material improvements in this section of Waikiki and the news has been received with great interest in business circles.

LENIENCY PLEA FROM INJURED MAN HELPS LIGHTEN SENTENCE

Charged with driving an automobile heedlessly and endangering human life, Eguchi, a Japanese, was fined \$50 and costs in police court this morning and but for a plea of leniency by Lieut. Matthew A. Pallen, 25th Infantry, who was the victim of Eguchi's carelessness, the penalty would have been double that imposed.

Lieut. Pallen testified that while driving up Red Hill on his way from Schofield Barracks to Honolulu, his machine stopped, and he was standing by the tool box when the fender of a car driven by Eguchi struck him and knocked him 15 feet, bruising him badly. He said that Eguchi drove within 13 inches of his machine and then did not stop, after the accident, to see if he had done serious injury.

Eguchi claimed he did not drive close to Lieut. Pallen's machine, and said the officer stepped back and got in the way of the auto.

LOCK UP CHICKEN THIEVES UNTIL ALL HOLIDAYS ARE PAST

For stealing two chickens from a Japanese Choo Duck and Chee On were today given three months in jail by Judge Monsarrat. The severity of the sentence was because they are old offenders.

"I hope your honor will see that these birds, or bird catchers," Prosecuting Attorney Chillingworth remarked, "are kept in jail over Christmas. They are regular Christmas chicken thieves and I think the Christmas dinner of many people will be safer with these two locked up."

"They took only two chickens," Judge Monsarrat said.

"Well, they took all the Japanese had," was Chillingworth's reply—"which is as good as most lawyers do—take all the client has; not meaning to compare lawyers with these two, by any means."

AN INVITATION TO THE PUBLIC

TO THE PUBLIC.
I desire to call attention to the fact that the retail merchants of Honolulu, who are members of the Chamber of Commerce, have given much thought and have performed a considerable amount of extra work in preparing their show windows for a window display contest, which is to take place on Saturday morning, the 20th.

Some years back, as we saw in the rush and enterprise which has developed a necessity to do just a little better than the other fellow, if success would be attained. A cordial invitation is therefore extended to the public to view the enterprise and efforts of the merchants through the window dressing which will be displayed at 10 o'clock on Saturday morning. Each merchant is contesting against the other merchants in an attempt to have the best window and it is the hope that the public may lend their presence so as to help make the affair a success.

RAYMOND C. BROWN,
Secretary, Chamber of Commerce of Honolulu.

PHYSICIANS OF ORIENTAL RACES MAY BE BARRED

Governor's Letter to Medical Examiners Opens Question of Language Tests

ADVISES TAKING CASE
TO COURT FOR DECISION

No One Nationality Named in Communication; What is "Official Language" of Hawaii?

Whether or not physicians of Oriental races who have only an inadequate command of the English or Hawaiian languages may legally be passed and licensed to practice in the territory of Hawaii, is a point raised by Governor Lucius E. Pinkham in a long communication which he sent yesterday to the Board of Medical Examiners of Hawaii.

Governor Pinkham writes that he is convinced that the board should seek the opinion of Attorney General I. M. Stainback, and even the decision of the courts, as to what is "the official language of the Territory of Hawaii."

This unexpected point recalls the sudden and heretofore inexplicable resignation of Dr. George Herbert and Dr. E. D. Kilbourne from the board early this month—resignations tendered, according to the physicians, at the request of the governor. The third member of the board, Dr. R. W. Benz, now on the mainland, has also been asked for his resignation, it is understood. The places of Dr. Herbert and Dr. Kilbourne have been filled by the appointments of Dr. J. T. McDonald and Dr. W. L. Moore, as announced in yesterday's Star-Bulletin.

At the time the resignations were asked for and tendered, rumor had it that the breach between the governor and the board arose from the fact that recently three Japanese physicians were passed after examinations, while army surgeons resident on Oahu were "plucked." No direct explanation has been made.

Governor Pinkham's letter, which probably forecasts a test case in the courts of the territory, follows, in full:

Nov. 17, 1915.
To the Board of Medical Examiners of the Territory of Hawaii,
Honolulu, T. H.
Gentlemen:

A survey of the Organic Act and Revised Laws of Hawaii 1915 has convinced me the Board of Medical Examiners should seek the opinion of the Attorney General of the Territory of Hawaii, and even the decision of the courts as to their powers and limitations.

The questions arise as to what is the official language of the Territory of Hawaii; and

Whether it is obligatory on those, officially charged or licensed to carry out the laws and regulations as en-

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PHYSICIAN LETS BABY MONSTROSITY DIE; STORM OF PROTEST IS AROUSED

[Associated Press Service by Federal Wireless]
CHICAGO, Ill., Nov. 18.—As a result of the refusal of Dr. H. J. Haiselden to operate on a deformed child after birth, and the child's death, a storm of agitation against and argument for the stand taken by the physician fills the press.

The child, a mental and physical monstrosity, died at the age of three days and previously the physician, for reasons of scruple, had declined to operate though there was a chance of saving the baby's life. The mother had consented to the operation and other physicians and nurses advised it. The physician's reason for declining to operate was that the child might grow to be a menace and a burden to society and that he would not undertake the responsibility of saving its life with this prospect.

UNREST IN PORTUGAL MAY BE DUE TO CONSTANT AGITATION OF WAR PARTY

[Associated Press Service by Federal Wireless]
PARIS, France, Nov. 18.—The President of Portugal has refused to accept the resignation of Premier Castro. Unrest in the country has brought the ministry to the point of resignation, but the President has requested all the cabinet members to remain until Parliament has indicated its desires regarding their successors.

CZAR'S DAUGHTER GETS WAR MEDAL

PETROGRAD, Russia.—The St. George medal of the fourth degree has been awarded to Grand Duchess Olga, the czar's daughter, for courage and devotion displayed in dressing the wounds of Russian soldiers under the enemy's artillery fire.

BULGARIANS CONTINUE THEIR ADVANCE; GERMANS PROGRESS TEUTON SUBMARINES ACTIVE

THIRTEEN VESSELS TORPEDOED IN MEDITERRANEAN IN FIVE DAYS—WINSTON CHURCHILL QUITS CABINET AND GOES TO FRONT, JOINING OXFORDSHIRE HUSSARS—NORWEGIAN VESSEL SUNK BY MINE

[Associated Press Service by Federal Wireless]

LONDON, England, Nov. 18.—Serbia's fate, which yesterday was apparently to be settled in a few hours, is as yet unknown to the outside world.

A mass of vague and contradictory reports, coming from a part of the Balkans where communications are meager and slow, and the strict censorship exerted by the military authorities combine to give the public little but a patchwork of rumors and denials.

ATHENS, Greece, Nov. 18.—Although war news from Serbian Macedonia is very contradictory, one apparently authoritative report is that a force of 20,000 Bulgarians has forced the 5000 Serbs who were holding Babuna pass to abandon this natural stronghold and retreat upon Prilep. Here they are also said to be hard-pressed.

Serbs In Vain Try To Hold Back Bulgars and Austrians

[Associated Press Service by Federal Wireless]

LONDON, England, Nov. 18.—One report from southern Serbia today is that the Serbs and French are endeavoring to prevent the outnumbering Austrians from reaching Prilep and Monastir. Another report is that Prilep has been lost. It is admitted that its evacuation is rendered inevitable by the steady approach of the enemy.

The population of Monastir has fled and the city is imperiled.

German Official Cablegram Tells Of Progress In Absorbing Serbia

The following cablegram from official German sources was received today:

"German Headquarters Report, Nov. 18.—The Teuton-Bulgarian armies pursuing the Serbians have reached the general line of Javor, North Raska, Kursunliya, Radan and Oruglica. The German troops have occupied Kursunliya, which was abandoned and looted by the Serbians. The Germans took several hundred Serbians and some cannon.

"On the west front an English attempt to attack by surprise German positions on the road between Messines and Armentieres failed.

"In the Argonne a French plan to blow up German positions with a mine, was known in time by the Germans, who evacuated the menaced trench."

Churchill Off To Fight In Ranks

[Associated Press Service by Federal Wireless]

LONDON, England, Nov. 18.—Winston Churchill, former first lord of the admiralty and chancellor for the duchy of Lancaster in the coalition cabinet, has carried out his announced intention of quitting this minor post to go to the front and fight in the ranks.

He left his wife at the railroad station and, unrecognized, entered a special coach, trying to avoid men who wished to see him.

Churchill is a member of the Queen's Own Oxfordshire Hussars and wore the uniform of that regiment today. He has had previous active experience, having served in British campaigns on the Nile, Africa, and at Khartoum.

Mediterranean Now Terror Zone

[Associated Press Service by Federal Wireless]

LONDON, England, Nov. 18.—It is reported from Algiers, Africa, that during the period from November 3 to November 7 thirteen vessels of the Allies were sunk by Teuton submarines operating in the Mediterranean Sea and adjacent waters.

Norwegian Steamer Mined, Sunk

AMSTERDAM, Netherlands, Nov. 18.—The Norwegian steamer Ulrien, bound from New York for Rotterdam, has struck a mine in the war zone and sunk. Five of the crew perished.

Says Ancona Shelled After Stopping

WASHINGTON, D. C., Nov. 18.—A statement saying that the Austrian Dr. Cecil Croll, a woman physician of submarine shelled the Ancona after New York, and the only native American who was a passenger on the warning. Her testimony is given credence and is held to be important.

[Additional Telegraph Despatches on Page 9]

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